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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,404	10/24/2003	John J. Wordin	9	1921
7590		06/01/2005	EXAMINER	
John J. Wordin		SAWHNEY, HARGOBIND S		
P.O. Box 121		ART UNIT		
Kualapuu, HI 96757-0121		PAPER NUMBER		
		2875		

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/693,404</p>	<p>Applicant(s)</p> <p align="center">WORDIN ET AL.</p>	
	<p>Examiner</p> <p align="center">Hargobind S. Sawhney</p>	<p>Art Unit</p> <p align="center">2875</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/> Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|--|---|

### DETAILED ACTION

1. The amendment filed on April 14, 2005 has been entered. Accordingly:
  - The specification has been amended;
  - Claims 1-3 have been amended; and
  - Claim 5 has been cancelled.
2. The drawings filed on March 4, 2005 have been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fiene (US Patent No.: 6,508,567 B1).

Regarding Claim 1, Fiene ('567 B1) discloses a modular fluorescent light fixture (Figure 13) comprising:

- a 5-sided housing 140 consisting of housing ends- each of the two ends bearing element 196 (Figure 13) -, housing sides - the faces perpendicular to the housing ends, and a housing top;

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- socket supports 142- and the other two adjacent to it- attached to inside of the each housing end (Figure 13, column 13, lines 48 and 49);
- the socket supports 142 having T5 socket sets 138 (Figure 13, column 11, lines 42 and 43, and column 12, lines 10-14);
- a reflector – inside surface 24 of the housing top – (Figures 10-13, column 13, lines 51-55) mounted on the housing sides (Figure 13);
- two T5 fluorescent tubes 148 inserted in the socket sets 138, 142 (Figure 13, column 12, lines 8-14); and
- a ballast 84 (Figure 13, column 11, lines 43 and 44) mechanically attached to the housing (Figure 13), and having electrical connections from the ballast to the socket sets (Figure 13, column 11, lines 43, 44 and 46-53).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiene (US Patent No.: 6,508,567 B1).

Regarding claims 2 and 3, Fiene ('567 B1) discloses an arrangement of a modular fluorescent light fixtures (Figure 4). However, Fiene ('567 B1) does not

specifically teach a first and second modular lighting fixtures arranged with their respective tubes oriented parallel to that of each other. Additionally, Fiene ('567 B1) does not specifically teach a first and second modular lighting fixtures arranged with their respective tubes oriented perpendicular to that of each other.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Fiene ('567 B1) by orienting each modular light fixtures with its respective tubes positioned either parallel or perpendicular to those of the adjacent modular lighting fixture, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Regarding Claim 5, Fiene ('567 B1) does not teach the light fixture being used to retrofit the older light fixture.

It has been held that a recitation with respect to the manner in which a claim apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiene (US Patent No.: 6,508,567 B1) in view of Wordin (US Patent No.: 6,170,962 B1).

Regarding Claim 4, Fiene ('567 B1) discloses a modular fluorescent light fixture (Figure 13) comprising a reflector. However, Fiene ('567 B1) does not specifically teach the reflector being a dual compound hyperbolic reflector.

On the other hand, Wordin ('962 B1) discloses a dual compound reflector 112 (Figure 2, column 4, line 65) for fluorescent light fixture.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Fiene ('567 B1) by providing the dual compound hyperbolic reflector for the benefits and advantages of broad light pattern on the illuminated surface with reflection of the light both in outward and downward directions.

***Response to Amendment***

8. Applicant's arguments filed on April 14, 2005 with respect to the 35 U.S.C. 102(b) rejection of Claim 1, and 35 U.S.C. 103(a) rejections of claims 2-4 have been fully considered but they are not persuasive.

Argument: Regarding Claim 1, Fiene ('567 B1) does not anticipate the invention claimed by the applicant. There are many differences in purpose, structure and reflectance of the reflector.

Response: As detailed in the non-final office action mailed on September 28, 2004, and as detailed above in section 3, Fiene ('567 B1) discloses a modular fluorescent light fixture (Figure 13) meeting the structural limitations of Claim 1.

The purpose of the invention does not carry patentable weight. Additionally, Claim 1 does not include any limitation related specifically to reflectance of the reflector.

Argument: Regarding Claim 1, In column12, line 8, Fiene ('567 B1), T5 rapid start lamps are mentioned along with T8 and T12 lamps. Specific T5 lamps are not mentioned.

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Response: Fiene ('567 B1) teaches a modular fluorescent light fixture (Figure 13) including socket sets 138. Additionally, Fiene ('567 B1) teaches the measures for making use of the disclosed socket for rapid start lamps (Fiene, column 11, lines 61-63). Further, Fiene ('567 B1) identifies the rapid start lamps as T5 lamps (Fiene, column 12, lines 10-14). Broadly interpreting, the above-indicated teaching discloses the sockets 138 usable for T5 lamps.

Argument: Regarding claims 2 and 3, Fiene ('567 B1) does not teach, in Figure 4, placing two 2x2 light fixtures next to each other could make a 2x4 troffer.

Response: None of the claims 2 and 3 recites the limitation the placement of two 2x2 light fixtures next to each other could make a 2x4 troffer. Figure 4 of Fiene ('567 B1) clearly shows light fixtures arranged adjacent to one another as recited in each of claims 3 and 4.

Argument: Regarding Claim 4, one skilled in the art at the time of invention would not attempt to combine Fiene ('567 B1) with Wordin ('962 B1). Fiene ('567 B1) makes the use of white plastic, probably having about 50% efficiency, whereas, the reflector taught by Wordin ('962 B1) could have 95% efficiency. Therefore, Fiene ('567 B1) and Wordin ('962 B1) are solving different problems.

Response: As detailed in the non-final office action mailed on September 28, 2004, and as detailed above in section 3, Fiene ('567 B1) discloses a modular fluorescent light fixture (Figure 13) comprising a reflector. However, Fiene ('567 B1) does not specifically teach the reflector being a dual compound hyperbolic reflector.

On the other hand, Wordin ('962 B1) discloses a dual compound reflector 112 (Figure 2, column 4, line 65) for fluorescent light fixture.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Fiene ('567 B1) by providing the dual compound hyperbolic reflector for the benefits and advantages of broad light pattern on the illuminated surface with reflection of the light both in upward and downward direction.

Claim 4 does not include a limitation associated with efficiency of a dual compound hyperbolic reflector.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).




A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS  
5/25/2005

  
Stephen Husar  
Primary Examiner